

An account of the
Equality Review carried
out by Clare County
Council in respect of
Traveller-specific
accommodation



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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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Contents

Glossary.....	2
Introduction.....	4
Section 1 Key areas of interest.....	6
Section 2 Issues arising.....	13
Section 3 Recommendations.....	21
Appendix 1.....	24

Glossary

1998 Act: Housing (Traveller Accommodation) Act 1998

2009 Act: Housing (Miscellaneous Provisions) Act 2009

2011 Assessment Regulations: Social Housing Assessment Regulations 2011 (S.I. No. 84/2011)

2011 Allocation Regulations: Social Housing Allocation Regulations 2011 (S.I. No. 198/2011)

2014 Act: Irish Human Rights and Equality Act 2014

AHB: Approved Housing Body

AO: Administrative Officer

Capital expenditure: Generally relates to the costs of acquiring, upgrading or extending physical assets, such as buildings, equipment or facilities

Current expenditure: Also referred to as 'revenue expenditure'. Generally relates to operational costs, for example it may include operational costs of maintenance, caretaking, social worker provision or provision of emergency accommodation

CBL: Choice Based Lettings

CDP: Community Development Project

CENA: The Traveller-led Voluntary Accommodation Association (TVAA)

CLO: Community Liaison Officer

DCEDIY: Department of Children, Equality, Disability, Integration and Youth

DHPLG: Department of Housing, Planning and Local Government, known as the Department of Housing, Local Government and Heritage (DHLGH) since 30 September 2020

DoJ: Department of Justice, formerly known as the Department of Justice, Equality and Law Reform

DSP: Department of Social Protection, formerly known as the Department of Employment Affairs and Social Protection

ESA: Equal Status Acts 2000 - 2018

HAP: Housing Assistance Payment

HAO: Housing Assessment Officer

HLO: Housing Liaison Officer

HNA: Housing Needs Assessment

HWO: Housing Welfare Officer

LGMA: Local Government Management Agency

LTACC: Local Traveller Accommodation Consultative Committee

NTACC: National Traveller Accommodation Consultative Committee

RAS: Rental Accommodation Scheme

Revenue expenditure: Also referred to as 'current expenditure'. Generally relates to operational costs, for example it may include operational costs of maintenance, caretaking, social worker provision or provision of emergency accommodation

SEO: Senior Executive Officer

SHCIP: Social Housing Capital Investment Programme, sometimes referred to as Social Housing Investment Program (SHIP)

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SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

Under section 32(1) of the *Irish Human Rights and Equality Commission Act 2014* (the '2014 Act') the Commission may invite a particular undertaking to carry out an equality review.

In June 2019 the Commission invited Clare County Council (the 'Council') to undertake an equality review in the following terms:

1. That the Council would conduct an audit of the level of equality of opportunity and/or discrimination that exists in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation, having regard to the drawdown by the Council of capital funding provided by the Department of Housing, Planning and Local Government for the provision of Traveller-specific accommodation having regard to the Council's obligations under the ESA; and
2. That the Council would conduct a review of its practices, procedures, and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller-specific accommodation services to Travellers to determine whether those practices, procedures and other relevant factors are conducive to the promotion of equality of opportunity for these service users having regard to the Council's obligations under the ESA.

In conducting any equality review, the Commission requested that the Council would address and report on a number of specific issues. (See [Appendix 1](#))

The Council submitted its initial Equality Review response to the Commission on 04 October 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020, which were provided by the Council by letter dated 28 May 2020.

This is the Commission's account of the Council's Equality Review that, pursuant to section 28(2) of the 2014 Act, is being published as part of the Commission's 2020 Annual Report.

It comprises three sections, namely:

1. **Key areas of interest** – which is a synopsis of the Equality Review undertaken, and the information provided, by the Council;
2. **Issues arising** – which comprises the Commission's consideration of the information contained in the Equality Review as undertaken by the Council; and
3. **Recommendations** – proposed recommendations from the Commission to the Council.

Section 1 Key areas of interest

A. Initial and ongoing assessment of Traveller-specific accommodation needs

The Council explains that iHouse is the computer system used by the sector to manage social housing processes. It states that, as of 25 September 2019, there were 24 social housing applications on the system with a classification of need as 'Traveller' and of these, six social housing applicants have requested Traveller-specific accommodation. The Council reports that it is the case that many Traveller families in Clare have not applied for social housing support.

The Council identifies a difficulty with this system in that there are many housing applicants in Clare who identify as Travellers, however, there is currently no mechanism for this to be expressed by the applicant or recorded by the local authority. The Council states that on iHouse there is no way to ascertain the ethnicity of a housing applicant who does not choose Traveller-specific accommodation. The social housing application form does not have a unique identifier for those who want to identify as members of the Traveller community¹. The Council reports that it does not operate a separate housing list for members of the Traveller Community, but operates a single housing list.

It states that where Traveller-specific accommodation is being considered and/or is under development, the Council works with the Traveller families on the site to obtain their completed application form and meets with them to identify specific needs to be provided for in the design of the scheme.

The Council reports that a primary source of data relied on in the TAP 2019–2024 is the national census. It states that the LTACC plays an active and pivotal role in both the preparation and implementation of the TAP in County Clare. The Council further states

¹ In June 2021, after receiving a draft copy of the Commission's account of the Council's Equality Review, the Council has advised the Commission that the social housing application form is a national standard template, adapted only to include the Council's areas of preference, and that it is not permissible for the Council to amend the application form to include an ethnic identifier.

that consideration of iHouse is the first platform for identifying Traveller accommodation need.

The Council outlines, at section 4.1 of the TAP 2019-2024 that the following information is provided in respect of the assessment of the accommodation needs of members of the Traveller community²:

“Information gathered from both the Annual Housing Needs Assessment (completed in June, 2018) and the National Annual Traveller Count in November, 2018 was used as a base point in the preparation for the assessment of the accommodation needs of Travellers in County Clare. In addition existing group housing scheme sites were surveyed to ascertain occupancy, in particular those in unauthorised accommodation on the sites. Also, illegal encampment sites were surveyed to determine the Traveller accommodation requirement therein. Further Clare County Council relied in part on a survey of 233 Traveller families (76% response rate) carried out by Pavee Point for the HSE Traveller Health Unit. The survey was an independent survey undertaken in March 2018. This survey related to accommodation standards rather than determination of accommodation need. The survey gathered information on living conditions of Travellers, the nature of the tenure, access to facilities and services and the view of the Traveller household of the health and safety of the environment in which they live.”

The Council reports that the annual estimate of Traveller families completed on 28 November 2018 identified 305 Traveller households residing in County Clare. 89 of these households were residing in standard local authority social housing, 32 in Traveller group houses, 12 resided in a serviced halting site, 42 were sharing with relatives, 12 resided in unauthorised sites and 4 resided in emergency accommodation.

² In June 2021, the Council has advised the Commission that it ‘has no legal basis to gather, collate and store information on members of the Travelling community outside of the information required for housing applicants/housing tenants.’ It states that ‘[t]o that end year-on-year for the Annual Traveller County [sic] [the Council has] only returned information on Travellers in Traveller specific accommodation and those on unauthorised sites.’

The Council, at section 4.3 of the TAP 2019–2024, sets out projected need and it was considered that the provision of standard housing supports and the existing vacancies in the group housing schemes would, in the main, provide for the projected need of the Traveller community. It states that extrapolation of national figures for the Traveller community would indicate that there are in the region of 140 single persons between the ages of 15 and 30, which could yield approximately 40 family formations during the period 2019–2024.

The Council also outlines that the current TAP includes a statement in respect of illegal encampments. The Council states that trespass on its lands will not be tolerated. Page 19 of the TAP 2019–2024 states:

“[t]his Council will invoke the procedures to address illegal encampments in the interest of law and order. Where the family in question are approved social housing applicants this Council will work with the families on these unauthorised sites to provide an accommodation solution to meet the need including the consideration of additional Traveller-specific accommodation if required.”

The Council reports that section 4.7 of the TAP 2019–2024 addresses the need for transient halting sites. The Council states that given the numbers, and pattern of movement, of Traveller families in Clare, the provision of a transient site within the county was not considered necessary. That said, it states that the provision of transient accommodation must be pursued on a national/regional basis with transient accommodation provided as part of a coordinated network of sites throughout the country. In this regard, the Council states that it will continue to liaise with neighbouring authorities to determine the need for the provision of transient accommodation within the Mid-West Region. The mechanism for how this communication is to be ensured is not set out.

The Council states, in a further letter of clarification of 28 May 2020, that a national/regional plan for the development of transient sites is required.

In this letter, the Council states that it does not have a Traveller-specific unit: queries from members of the Traveller community are managed in the appropriate service area

i.e. maintenance, estate management, allocations, tenancy support etc. It states that the service provision is overseen by the manager for that service area with supervision and oversight of housing service provision provided by the SEO.

The Council identifies, in this letter, the primary issue facing the Council in the assessment of the accommodation needs of members of the Traveller community as the absence of local Traveller representation. This had also been identified by the HSE Traveller Health Unit as a barrier to service delivery. The Council states that it was working closely with the Irish Traveller Movement to support the development of a local representative group for Travellers in Clare. The Council states that this community support and capacity building exercise requires dedicated funding and support to develop effective local Traveller representation for Travellers in County Clare.

The Council observes that the LTACC is not functional in Clare due to lack of Traveller representatives on the committee. It reports that the HSE Traveller Health Unit and Clare Public Participation Network have suggested that a project to develop local representation was required for effective participation.

B. Comparison of funding to comparator group

The Council stated, in the TAP 2019–2024, that members of the Traveller community comprise 1% of the population of Clare.

The Council states in Appendix 1 of its Equality Review that total funding allocation for 2015 to 2019 on Traveller-specific accommodation was €1,894,444. The Council sets out that the total sum drawn down in this period amounted to €742,293. The projects listed in this appendix include the purchase of mobile homes, upgrade works, fire safety works and refurbishment.

Over the same period, the Council sets out in Appendix 2 of its Equality Review that it expended €513,645 on Traveller-specific accommodation without recoup. Total expenditure amounted to €1,255,938. The projects included in this appendix include mobile home and caravan purchases and repairs to houses, mobile homes and bays.

No information was furnished in respect of the levels of allocation and drawdown of funds in respect of capital and current expenditure for general housing and so no comparison could be drawn.

C. Adequacy of funding

In the letter of clarification of 28 May 2020, the Council states that as *per* the housing need at the time of writing, there were 2 (extended) families on unauthorised sites with a stated preference for Traveller group housing developments. As no scheme had been developed to provide housing solutions for these families, the funding provision had no impact on delivery.

D. Whether all funding allocated drawn down

The Council states that funding under the Traveller accommodation subheading within the DHPLG is managed per calendar year, i.e. funding is allocated and must be spent within a calendar year. Nationally all budgets are assigned to subheadings with the budget then allocated to individual local authorities on the basis of current commitments and those falling due within the calendar year.

It notes that following on from the commencement of the Government's Action Plan for Housing and Homelessness (Rebuilding Ireland), the process of allocation of annual budgets under the SHIP budget subheading has changed from an annual monetary budget allocation to a target of housing units' delivery.

The Council notes that there are two exceptions to this process, namely, Traveller accommodation and homeless funding. It states that budget allocations for the former are annual and for claims to be submitted, the expenditure must be incurred with proof of expenditure required to support a claim for reimbursement. The final date for claims is generally the last Thursday in November; any expenditure incurred after this date must be carried by the local authority for claiming in the following calendar year, according to the Council

The Council outlines, in Appendix 2 of its Equality Review, that the reasons as to why monies expended on Traveller-specific accommodation were not recouped included

refusal of claim by DHPLG, not claimed as claim did not meet recoupment conditions, and project could not be completed and so no claim was made.

In the letter of clarification of 28 May 2020, the Council explains that full allocated sums were not drawn down in 2015, 2016 and 2018 as the relevant projects were not completed within a year. Also, it reports that in 2018, due to the fact that confirmation of allocation was only received from the DHPLG on 2 July 2018, the Council was not in a position to spend the full allocation in the remaining months of that year.

Of all the projects listed, the greatest delays were associated with the Ballaghboy project. The Council outlines that this project had been in the planning stage for a substantial period of time. Though the project dates from 2016, in 2020 it was planned to replace the mobile homes on site with new mobile homes. The Council reports that there had been extensive engagement with the residents on site regarding their housing need. The Council reports that in 2018, consultants were engaged to develop the scheme and this had taken on many iterations of design over that period. It states that initially prefabricated units were planned for this site for speed of delivery, however due to the small scale of this development, these proved cost prohibitive.

E. Any further issues of equality of opportunity

The Council commissioned an independent review of its practices and procedures in respect of the provision of Traveller-specific accommodation and provided the review of the Irish Centre for Diversity (ICD) with its reply to the Commission.

The ICD review makes the following recommendations:

- The Council website appears to be the main source for accessing housing information and whilst it has an accessibility mark for people with disabilities and offers help with filling in forms, it assumes access to IT and knowledge of using a website and a reasonably high level of literacy. Given what we know about the level of education, unemployment rates etc. among members of the Traveller community, neither the website nor the level of literacy required to complete the form may be 'accessible' and consequently have a negative impact on members of the Traveller community;
- The form requires the applicant to provide the Council with significant attachments and documents including a consultant's certificate for medical

conditions. Given the experience members of the Traveller community have of health services, this request may prove to be a barrier, as may producing some of the other documents required;

- The desktop exercise using iHouse to shortlist potential applicants could inadvertently be an area for discrimination. It is not clear from the information received if this exercise is broken down into any identifiable equality data that is documented and monitored for transparency;
- The assessment meeting is another key area where unconscious bias can enter the equation as is the interpretation of what is in the interest of good estate management. It is not clear what records are kept by equality data as evidence that no discrimination has entered the process. The fact that both applicant and community profile factors are '... central to the decision-making processes' is concerning. It is not clear what evidence or data is kept to mitigate against unconscious bias;
- The Clare Homelessness Plan is a robust document and takes account of issues such as domestic abuse, mental health, addiction, challenging behaviour etc. Whilst the implementation of the action plan will be monitored, it is not clear whether equality data on outcomes will be monitored to establish if there are any underlying trends or impacts on particular groups of people;
- The tenancy handbook is a comprehensive document but the issue of literacy may have a negative impact on certain groups of residents. It is not clear if the tenancy handbook is offered in other formats;
- When framing residency criteria, the Council may wish to consider the position of people who are moving into the area to take up work or to escape violence, or homeless applicants or children in care. Whilst this may not have an impact on many people, it is an area where indirect discrimination has been challenged legally; and
- There is a legal duty not to discriminate in the delivery of services. This applies not only to the housing allocations scheme, but also applies to how people are helped to apply for housing, decisions made on whether people are eligible, what priority an applicant gets and who the Council choose for an offer of social housing. The Council should consider the data it is collecting and publish a report every year with information on its allocation activity, showing how the decisions have been broken down by equality categories.

Section 2 Issues arising

On the basis of the information provided by the Council, as summarised in Section 1, the Commission has considered the following issues arising:

The Equality Review process

In preparing its Equality Review, the Council commissioned the ICD to assist in the review process. The report compiled by the ICD notes its role as being to focus on:

“the policies and procedures of Clare County Council provided to the author”

and

“not on funding arrangements for Traveller accommodation”.

The ICD report does not provide a list of the policies and procedures that were reviewed.

In preparing the Equality Review, a notable gap is the lack of any consultation with the LTACC, local Travellers accessing the services of the Council, or local Traveller organisations, which would be expected in such a process.

In addition, the ICD review raises a number of areas requiring further clarification from the Council (for example: querying whether records are kept of assessment meetings; and querying whether the tenant handbook is available in accessible formats). It is unclear why clarification on these issues was not addressed by the reviewer or the Council, prior to the finalisation of the Equality Review.

LTACC

While the Council states that the LTACC plays an active and pivotal role in both the preparation and implementation of the TAP, the Council advises, in its follow-up information to the Commission, that as of May 2020 there were no Traveller representatives on the LTACC. This gap is of concern, something that is acknowledged by the Council and attributed to the absence of a local Traveller representative group. The Council advises that it is working with the Irish Traveller Movement to support the development of a Traveller representative group in Clare.

Policy approach to the provision of accommodation to members of the Traveller community

The current TAP frames the Council's policy approach to the provision of Traveller accommodation in restrictive terms, noting:

"It is the Council's policy that, where feasible, the preferred option in terms of the type of accommodation requested will be considered. If this is not possible, other accommodation options may be offered to individual households. If this reasonable accommodation offer is refused, without good reason, their housing application may be given a reduced priority in line with statutory provisions".
(emphasis added)

"It is the Council's policy that, Traveller families will only be considered for single instance housing in exceptional circumstances - Priority 1 medical need as determined by the HSE or in situations where other forms of Traveller-specific or standard accommodation have proven particularly unsuitable".

"The Council reserves the right to refuse to provide accommodation to any household irrespective of ethnicity, if the following was deemed the case: By their own act, deed or commission have deprived themselves of adequate accommodation; Were proven to be involved in serious or on-going anti-social behaviour; Good estate management would be compromised, if accommodation was provided".

The above restrictive conditions are of concern and the Equality Review offers no detail in regard to the process and/or test applied by the Council to determine the three conditions outlined that might result in the Council refusing to accommodate an individual or family.

The Council notes that it will provide non-transient Traveller-specific accommodation 'only for the County's indigenous' Traveller population. Indigenous is defined as having been permanently resident in the county for at least three years. The inclusion of this conditionality is a concern, having regard to the provisions in relation to local connection requirements for the general population under the 2011 Assessment Regulations.

Moreover, a requirement of being 'indigenous' to the county should be applied in light of the findings of the High Court in *McDonagh v. Clare County Council*[2002] 2 I.R. 634 in which it was held that:

"a residence or indigenous policy ... must not be applied so rigidly that it becomes an effective bar to any consideration by the housing authority of an application for housing by a member of the Traveller community".

Assessment of accommodation needs

The TAER found that recording snap-shot or historical data on existing accommodation did not equate to an accurate record of accommodation preferences. Furthermore, some members of the Traveller community perceive a lack of Traveller-specific accommodation or are exasperated by overcrowding or poor hygiene conditions on halting sites and for this reason, feel they have no choice but to apply for social housing. Accurate collecting and recording of multiple preferences could rule out these potential underlying reasons and give the Council a more robust basis for its record of accommodation preferences. This in turn would create a more solid foundation for future Traveller-specific accommodation policies.

The Council's current TAP identifies issues in regard to obtaining an accurate assessment of accommodation need for the Traveller community. Sources of information are stated to be: the national census; iHouse (the online social housing application system used by the majority of local authorities); the annual social housing needs assessment; and the annual national Traveller count. For the annual Traveller count, it was not clear what methods were used by the Council to collect data, however the Council does advise that this count only includes Travellers living in Traveller-specific accommodation and those on unauthorised sites. Another source of data was the survey of 233 Traveller families carried out by Pavee Point for the HSE Traveller Health Unit, however, this survey related to accommodation standards rather than preferences.

The main issue noted in this regard is the absence of an ethnic identifier on the social housing application form, which, the Council notes, means that the accuracy of the information on the iHouse system is 'questionable'. The Council indicates that:

“at the time of drafting [the current TAP] there were 23 open applications on iHouse with a classification of need identified as ‘Traveller’”.

The TAP notes that:

“Of the 23 households seeking social housing 7 have a stated preference for standard social housing with no preference indicator on the balance of applications”.

This questionable accuracy of data noted, regarding numbers of Travellers in need of social housing supports, together with the iHouse data indicating that the majority of the 23 identified Traveller applicants did not indicate an accommodation preference, is of concern. This raises issues in regard to: whether and how Travellers are supported to understand what social housing supports they may be eligible for; and how the Council is communicating with local Travellers to assess need and identify preferences. There is no reference to any process for independently verifying the preferences of the Traveller community with regard to accommodation or for tracking these preferences over time.

Given these issues, it is unclear how the Council arrives at its target of 58 families that will require accommodation during the lifetime of the TAP, plus a projected need for a further 40 households. The current TAP identifies that: 42 families are sharing with relatives; 12 families are living in unauthorised sites; 4 families are in emergency homeless accommodation; and 35 families are accommodated through HAP supports in the private rented sector. These numbers would suggest a potentially higher accommodation target than the basic target of 58 families identified in the TAP. The Equality Review provides no information on this issue. For the total target of 98 households (current and projected) for the lifetime of current TAP, the Council notes that this provision will be as follows: 44 private rented and HAP; 22 local authority and AHB; 17 leasing and RAS; and 15 group housing. There is no information provided in regard to how the Council determined these preferences.

The Council makes a strong statement that trespass on its lands will not be tolerated and makes assistance to members of the Traveller community in such circumstances and in need of alternative housing conditional on them being approved social housing

applicants. There is a need to ensure that this policy does not operate in a discriminatory manner given that members of the Traveller community face difficulties in making social housing applications over and above those of the settled community: difficulties arising from illiteracy; lack of access to the internet; and lack of awareness of services on offer. This is exacerbated in the case of the Council given that the LTACC does not have a representative of the Traveller community and the Council does not have a Traveller-specific Unit or Traveller Liaison Officer.

In relation to the provision of standard housing, neither the Equality Review nor the current TAP note any consideration of the need to proactively respond to the practical implications of cultural diversity in the general provision of social housing, which is limiting. There is no reference to initiatives to support and sustain the development of integrated diverse communities on social housing estates.

In relation to RAS and HAP and accessing private rented accommodation, neither the Equality Review nor the current TAP make reference to the well-documented experiences of discrimination among Travellers in this sector or any response to this.

The current TAP notes that:

“[s]tatistically we are aware of disability need in the Traveller community however this is not supported by evidence in terms of need”.

Given the Council’s aforementioned concerns regarding the accuracy of its data, it is unclear how this conclusion was arrived at. There is no further process identified for assessing and responding to such needs.

Transient sites

The Council observes that the provision of transient accommodation must be pursued on a national/regional basis with transient accommodation provided as part of a coordinated network of sites throughout the country.

The current TAP advises that the provision of a transient site is not deemed necessary. In the context of the aforementioned issues regarding assessing need and identifying preferences, it is unclear how this decision was arrived at by the Council. This would

appear to be a failure to take account of and respond to cultural diversity in a context where movement is a feature of Traveller culture and identity.

Supports

Whilst it is noted that where Traveller-specific accommodation is being considered and/or is under development, the Council works with the families on the site to obtain their completed application form and meet with them to identify specific needs to be provided for in the design of the scheme, the Council does not have a Traveller-specific Unit. There would appear to be an absence of Traveller-specific supports, in the Council, to assess Travellers' accommodation preferences, to enable Traveller access to housing services, and to support delivery of targets in regard to Traveller-specific accommodation.

The Equality Review indicates that Traveller individuals or families can avail of the Homeless Services in the Council should they find themselves homeless or are at risk of homelessness, and that the Council has recently strengthened tenancy support services to assist those transitioning from homeless services to accommodation. The Equality Review offers no detail in regard to how these general supports take account of the specific needs of the local Traveller community, arising from their ethnic identity and having regard to the specific barriers this community experiences in accessing accommodation and other key services.

The Equality Review does not refer to the Council's services for ensuring the effective operation and maintenance of Traveller-specific accommodation. The current TAP notes that the 'management and maintenance of Traveller group housing schemes continues to pose a challenge for the Council'. No further detail is offered as to the nature or scale of these challenges. No tenant participation in estate management initiatives are reported in the Equality Review.

The current TAP identifies that it is the policy of the Council that Travellers themselves must take primary responsibility for their economic activities including horse husbandry and care. Neither the Equality Review nor the current TAP make any reference to steps to make provision for or support and enable these elements of Traveller culture and identity.

Drawdown of funding and the provision of accommodation

The financial data provided by the Council indicate that between 2015 and 2019 the Council had a significant underspend of its allocation for Traveller-specific accommodation. Of €1,894,444 allocated by the DHPLG for Traveller-specific accommodation, from 2015 to 2019 inclusive, only €742,293 was drawn down.

It is noted that the Council did expend €513,645 from its own funds on such accommodation over this period (on repairs, purchasing mobile homes, and on the development of a site that could not proceed) which could not be recouped from the Department.

No information was furnished in respect of the levels of allocation and drawdown of funds in respect of capital and current expenditure for general housing and so no comparison could be drawn. It is recognised, however, that the accommodation needs of Travellers may be met through general housing funds, if this form of accommodation is their true preference.

The reasons provided as to why monies were not drawn down were due to projects not being completed within the calendar year. The Council also made reference to one instance where funding was not received until July 2018 and the Council states that for this reason it was not in a position to spend the full allocation in the remaining months of that year. Reasons provided as to why monies expended on Traveller-specific accommodation were not recouped included the refusal of a claim by the DHPLG, a sum not being claimed as the claim did not meet recoupment conditions and a project which could not be completed and so no claim was made.

In further information provided, the Council indicates that a problem with its planned work on the Ballaghboy Traveller-specific group housing site, caused the lack of drawdown in regard to approximately €300,000 of its allocation, between 2015 and 2018. The Council notes that delays in regard to this site were a result of changes to the design and that there has been 'extensive engagement with the relevant families'.

The 2014-2018 TAP advises that due to 'difficulties occurring on other group housing schemes', an amendment to the TAP was adopted by the Council (in 2012) resulting in a

decision not to commence work on three of four other such sites, the exception being the Ballaghboy group housing site, which was given the go-ahead.

The 2014-2018 TAP also notes that two of the Councils' group housing sites were vacant due to having been the subject of repeated arson attacks. It is unclear if these incidents resulted in the amendment to cease further work on other group housing sites and what, if any, bearing these issues have on the ongoing delays with the Ballaghboy site and on relations between Travellers and the local authority. There is no detail provided on this issue in the Equality Review.

The Council states that the only Traveller accommodation needs that remained outstanding, as of 28 May 2020, were that of two extended families currently on unauthorised sites with a stated preference for Traveller group housing developments. An accommodation solution had yet to be planned and so the issue here was not inadequacy of funding.

Public Sector Equality and Human Rights Duty

There is no specific reference to the statutory obligations of the Council under S42 of the 2014 Act: the Public Sector Equality and Human Rights Duty, in the current TAP or the Equality Review.

Section 3 Recommendations

The Commission recommends that the Council should undertake the following actions to strengthen the level of equality of opportunity and non-discrimination in its systems for the provision of Traveller-specific accommodation services.

1. Address policy and procedure for:

- responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;
- identifying and developing culturally specific responses to the needs of Travellers experiencing homelessness;
- identifying and responding to specific needs of Travellers that flow from their distinct culture and identity, particularly in relation to horse ownership;
- presenting data in the TAPs and progress reports, in particular: provide detail on the process for assessment of Traveller accommodation needs and preferences in the administrative area;
- tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation and ensuring a respect for Traveller culture and identity in meeting these;
- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and address the issues identified;
- reviewing the provisions in relation to the local connection requirements for Travellers to access to housing supports, to ensure that there is no discrimination when compared to the requirements on the wider community;
- establishing appropriate processes for Traveller participation in estate management on Traveller-specific accommodation;
- establishing and developing a response to the needs of Travellers who are nomadic within and through the county through the provision of transient halting site bays;

- identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for local Travellers to emerge and play a role; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
2. Establish and implement an ethnicity identifier in data gathering and analysis in relation to the provision of social housing and homelessness services and include all Traveller-specific accommodation options in housing applications (i.e. allow applicants identify themselves as a member of the Traveller community if they wish and for the sole purpose of identifying accommodation needs and include a list of needs/preferences any or all of which may be ticked, including, but not limited to permanent/transient halting site, group housing, outdoor space for dogs/horses and preference to be accommodated close to family members).
 3. Develop a more transparent recording of the methodology of collection and data obtained in the annual count of members of the Traveller community (for example by survey, setting out the steps taken to ensure all members of the Traveller community were reached and including such questions as multiple accommodation preferences and difficulties in accessing such preferences or other accommodation in the past).
 4. Consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns they may have in respect of their accommodation directly. The officer could also assist with online applications where members of the Traveller community have no access to the internet. The officer should have regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.
 5. Engage with Traveller representative organisations with a view to determining the reasons why members of the Traveller community are reluctant to engage

with the Council and stand as representatives of that community on the LTACC. This is of particular concern and a report should be published with reasons for this reluctance and proposed to steps to address those reasons set out.

6. Record data on both funds allocated and drawn down for Traveller-specific accommodation and those for general accommodation. This would help to inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. Account may be taken of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the fact that some forms of accommodation are more expensive than others.
7. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report to determine the reasons for this and follow any recommendations made.
8. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

In conducting any equality review, the Commission requested that the Council would address and report on the following:

- (a) The practices, procedures and other relevant factors in respect of the provision of accommodation services to members of the Traveller community within the Council's functional area;
- (b) The amount of funds allocated by the Department of Housing, Planning and Local Government that the Council requested to draw down in each of the last four years;
- (c) The amount of funding applied for by the Council to the Department of Housing, Planning and Local Government, but which was not drawn down;
- (d) If the entirety of funding allocation was not drawn down, to provide the reason(s) for this;
- (e) For each of the previous four years, the projects for which the Council applied for funding from the Department of Housing, Planning and Local Government and to confirm which of these received funding. To also confirm which of these projects were completed, and if not completed, to advise of the reason(s) for this;
- (f) To confirm the amount of funding in respect of general or standard housing available to the Council in each of the previous four years, the amount requested to be drawn down and the amount in fact drawn down in each of these years;
- (g) The impact that any failure to draw down allocated funds has on the Council's statutory duty to provide sites for caravans, including sites with limited facilities;
- (h) To confirm the amount of funding in respect of the provision of Traveller specific accommodation already applied for and/or that will be applied for in 2019;

- (i) To specify how the issue of applying for and drawing down funding is to be addressed in the Council's strategy for securing the implementation of its Traveller Accommodation Programme;
- (j) Whether any issues of equality of opportunity or discrimination arise in respect of the above-mentioned practices, procedures and other relevant factors with regard to the provision of accommodation services to members of the Traveller community and the failure to draw down funding for Traveller specific accommodation; that is, are these practices, procedures and other relevant factors conducive to ensuring that service users who are members of the Traveller community can avail of accommodation services on an equal and non-discriminatory basis with service users who are settled persons/not members of the Traveller community; and
- (k) Any recommendations and/or findings arising from the review.



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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